



# FloorPrep

Legislative Digest

Wednesday, May 17, 2000

J.C. Watts, Jr.  
Chairman  
4th District, Oklahoma

*House Meets at 9:00 a.m. for Morning Hour  
and 10:00 a.m. for Legislative Business  
(No Votes After 3:00 p.m.)*

*Anticipated Floor Action:*

**H.R. 4205—National Defense Authorization Act for FY 2001**

\* \* \*

## **H.R. 4205—FY 2001 National Defense Authorization**

**Floor Situation:** The Rules Committee met yesterday and granted a structured rule for the consideration of H.R. 4205. The rule provides one hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Armed Services. The rule waives all points of order against the bill and provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services shall be considered the base text subject for further amendment. All points of order are waived against the committee substitute and no amendment to the substitute shall be in order unless printed in the Rules Committee report or specified by a subsequent order of the House, is an amendment *en bloc* described in section 3 of the rule or are *pro forma* amendments offered by the chairman or ranking minority member of the Armed Services Committee for the purpose of debate. Each amendment printed in the report may be offered by a Member designated in the report and only in the order printed in the report, except as specified in section 5 of the rule, the Chairman of the Committee of the Whole may recognize for consideration an amendment in the report out of order only one hour after the chairman of the Committee on Armed Services or his designee has notified the Chair of his intention to do so. Each amendment, unless otherwise specified in the report, printed in the report is debatable for 10 minutes equally divided and it shall be in order for the chairman of the Armed Services Committee or his designee to offer amendments en bloc which shall be debatable for 40 minutes equally divided. Any Member proposing to insert an amendment in the en bloc amendments may insert a statement in the *Congressional Record* immediately prior to the disposition of the amendments en bloc. The rule further allows the Chairman of the Committee of the Whole to postpone until a time during further consideration of the bill a request for a recorded vote

on any amendment and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen-minute vote. Finally, the rule provides that, after disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

[The Rules Committee plans to meet again on Wednesday to report another rule providing for consideration of further amendments to the bill.]

**Summary:** H.R. 4205 authorizes \$309.9 billion in new budget authority for the country's defense activities in FY 2001, \$ 4.5 billion more than the president's request and approximately \$21.1 billion more than last year's defense authorization (in budget authority). Of note, the Committee was able to fund approximately \$4.4 billion of the critical unfunded requirements identified by the service chiefs and defense agencies.

Overall, (in budget authority) the bill authorizes (1) \$75.8 billion (matching the president's request) for military personnel; (2) \$111.3 billion (\$868 million more than the president's request) for operations and maintenance and working capital funds; (3) \$62.3 billion (\$2 billion more than the president's request) for weapons procurement; (4) \$39.3 billion (\$1.4 billion more than the president's request) for research and development; (5) \$8.4 billion (\$400 million more than the president's request) for military construction and family housing; (6) and \$12.8 billion (\$281 million less than the president's request) for the defense-related programs of the Department of Energy.

Among major programs, the bill authorizes:

- \* major reforms to (1) improve TRICARE (military healthcare); (2) restore pharmacy access for all Medicare-eligible military retirees; (3) create a roadmap for implementation of a permanent health care program for military retirees over 65 in 2004; (4) improve efficiency of claims processing reforms; and (5) generate significant savings that will be redirected to pay for future benefits;
- \* a 3.7 percent military pay raise (equal to the president's request) and numerous bonuses other retention and quality of life;
- \* the establishment of a targeted subsistence payment, of up to \$500 per month, to assist the most economically challenged personnel (principally those living on food stamps);
- \* an additional \$30 million to reduce out-of-pocket housing costs below the 15 percent envisioned in the president's request;
- \* \$43 million, \$27 million more than the president's request, for 13 child development centers;
- \* \$2.6 billion to procure 39 F/A-18 E/F (Super Hornet) (\$206 million and three planes less than president's request);
- \* \$1.1 billion for 16 MV-22 tiltrotor (Osprey) aircraft (matching the president's request);
- \* \$2.2 billion (equal to the president's request) to procure 12 C-17 Globemaster aircraft;

- \* \$1.4 billion (equal to the president's request) for research and development of the F-22 Raptor, \$2.1 billion to produce ten low-rate initial production (LRIP), and \$396 million for advance procurement of 16 LRIPs in FY 2002;
- \* \$1.5 billion (matching the president's request) for procurement of the fifth and sixth *San Antonio* class amphibious ships (LPD-17);
- \* \$1.7 billion (matching the president's request) to procure the third New Attack Submarine (NSSL)—*Virginia* class—and the committee provides the authority to have the Navy Secretary enter into a block contract for five *Virginia* class submarines for FYs 2003-2006;
- \* \$5.2 billion (\$283 million more than the president's request) for the Ballistic Missile Defense Organization; (of that amount) \$2.2 billion (\$85 million more than the president's request) for National Missile Defense (NMD) research and development, procurement, and related military construction and \$550 million (matching the president's request) for the Theater High Altitude Air Defense (THAAD) program;
- \* \$998 million (\$5 million more than the president's request) for drug interdiction and counter-drug activities;
- \* \$8.4 billion (\$400 million more than the president's request) for military construction and improvement and construction of military family housing units; and
- \* \$845 million (\$10 million more than the president's request) for chemical-biological defense programs.

Additionally, H.R. 4205 stipulates that:

- \* the Joint Strike Fighter (JSF) program's approval to proceed beyond the demonstration and validation phase until the Defense Secretary certifies that the technological maturity of the JSF program's key technologies is sufficient to warrant its entry into the EMD phase;
- \* funds will be restricted to DOD to support or maintain more than 500 U.S. military personnel in Colombia at any time. The provision allows for exemptions from the limitation for military personnel assigned to the U.S. Embassy in Colombia as an attaché, as part of the security assistance office, or the Marine Corps security contingent; those participating in natural disaster relief efforts or involved in non-operational transit through Colombia; and those engaged in rescuing or retrieving U.S. military or governmental personnel;
- \* the Secretary of Defense provide written notification to Congress prior to any policy change (1) affecting the current male-only assignment policy for submarines take effect and (2) the expenditure of any funds to reconfigure or design a submarine to house female crew members. The changes may only take place after 120 days of continuous Congressional sessions have expired following receipt of the proposed changes;
- \* military service members are allowed to participate in the Thrift Savings Plan.

**Views:** The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

**Amendments:** The rule granted by the Rules Committee makes the following amendments in order:

**Mssrs. Kasich, Shays, Frank, Condit and Bachus** will offer an amendment to make the U.S. ground forces presence in Kosovo conditional on presidentially certified progress by our European allies. The amendment requires the President, before April 1, 2001, to submit a report on commitment and delivery of certain types of aid to Kosovo by the European Commission, members of the European Union, and European members of NATO. The President must also certify by that date that these nations and organizations have met a specified percentage of their aid pledges. If the President does not submit to Congress a certification and report before April 1, 2001, all funds appropriated or otherwise made available to the Department of Defense may only be used for conducting a safe, orderly, and phased withdrawal of U.S. ground forces from Kosovo. Not later than April 30, 2001, the President shall submit to Congress a report on the withdrawal plan. However, the president may waive the withdrawal requirement for a period or periods of up to 90 days each in the event that (1) U.S. Armed Forces are involved in hostilities in Kosovo or that imminent involvement by U.S. Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or (2) NATO, acting through the Supreme Allied Commander, Europe, requests emergency introduction of U.S. ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities. The President's waiver authority may not be exercised more than twice unless Congress enacts a law specifically authorizing the additional use of this authority. *Staff Contact: Adam Francis, x5-5355 (Kasich), Len Wolfson, x5-5541 (Shays)*

**Mssrs. Frank and Luther** will offer an amendment, debatable for 20 minutes, to reduce the total Defense authorization by 1% from the amount proposed in the bill. In carrying out such a reduction, no cuts can be made in the operations and maintenance account or from personnel accounts. *Staff Contact: Daniel McLinchey, x5-5931*

**Mssrs. Dreier, Skelton and Gilman and Ms. Tauscher** will offer an amendment, debatable for 40 minutes, to shorten the waiting period from 180 days to 60 days for Congress to review a proposed adjustment in the performance level that defines high-speed computers and excludes any days in which the House or Senate is in sine die adjournment. *Staff Contact: Stephanie Blanton, x5-2305*

**Mssrs. Luther, Ramstad and Frank** will offer an amendment, debatable for 10 minutes, to stop production of the Trident II (D-5) submarine-launched ballistic missile. *Contact: 5-2271*

**Mr. Hunter** will offer an amendment, debatable for 10 minutes, to require the Secretary of Defense to submit a report detailing the economic analysis on the benefits of incrementally funding the CVN(X) class of carriers and the LHD class of ships. *Staff Contact: Vicki Middleton, x5-5672*

**Mr. Underwood** will offer an amendment, debatable for 10 minutes, to define the terms "United States" in a geographic sense to mean "the 50 states, the District of Columbia, and any Commonwealth, territory, or possession of the United States" for the scope of the reports required by section 233, which requires reports on the ballistic missile threat posed by North Korea. *Staff Contact: Nick Minella, x5-1188*

**Mr. Hansen** will offer an amendment, debatable for 10 minutes, to clarify that section 312 of the bill is

intended only to protect future flexibility of DOD airspace to accomplish low-level training. **Staff Contact: Bill Johnson, x5-0453**

**Mr. McKeon** will offer an amendment, debatable for 10 minutes, expressing the sense of the Congress that a study, plan and design should be developed to clean up the perchlorates in the City of Santa Clarita, California, resulting from munitions development and production for the Department of Defense. **Staff Contact: Harry Henderson, x5-1956**

**Ms. Fowler** will offer an amendment to clarify that the Secretary of Defense may delegate the authority to submit reports required by Section 364 only to the Deputy Undersecretary of Defense of Installations or his superiors in the DoD. **Staff Contact: Bill Klein, x5-2501**

**Mr. Sanford** will offer an amendment, debatable for 10 minutes, to eliminate 10 U.S.C. Sec. 381 and 10 U.S.C. 2576a which authorize the Secretary of Defense to convey surplus military property to local governments at less than fair market prices. **Staff Contact: Jim McGuire, x5-3176**

**Mr. Buyer** will offer an amendment, debatable for 10 minutes, to make technical corrections to the Army National Guard's selective reserve, active-guard and reserve (AGR), and military technician (dual status) end strengths for fiscal year 2001. **Staff Contact: Kimo Hollingsworth, x5-5037**

**Mr. Camp** will offer an amendment, debatable for 10 minutes, to authorize service Secretaries to specify a later time of death for disability retirement purposes for members of the armed services who die in civilian medical facilities. The amendment requires that the time of death determined by the service Secretary be consistent with the time of death that would be determined if the member had died in a military facility which shall not be later than 48 hours after the time of death determined by the civilian medical facility. **Staff Contact: Tim Wineland, x5-5-3561**

**Mr. Stearns** will offer an amendment, debatable for 10 minutes, to make coverage and reimbursement for physical and occupational therapy by TRICARE comparable to other entities providing the same benefits. **Staff Contact: Alan Hill, x5-5744**

**Mssrs. Stenholm and Thune** will offer an amendment, debatable for 10 minutes, to improve access to health care under the TRICARE system by eliminating non-availability statements (NAS) and pre-authorization requirements for TRICARE standard beneficiaries to receive care; and eliminates the requirement for an NAS to receive care in specialized treatment facilities outside the 200 mile radius of a military facility. **Staff Contact: Julie Turner, x5-6605**

**Mr. Velazquez** will offer an amendment, debatable for 10 minutes, to direct the Secretary of Defense to conduct a comprehensive study on contract bundling and its effects on small business, and develop a database containing information on all bundled contracts. **Staff Contact: Carol Richardson, x5-2361**

**Mr. Traficant** will offer an amendment, debatable for 10 minutes, to require that expenditures made under the bill conform to the Buy American Act and expresses the Sense of the Congress that entities spending funds made available through the bill purchase American-made goods where possible and establishes penalties for fraudulently labeling an item as "Made in America". **Staff Contact: Dan Blair, x5-5261**

**Mr. Bereuter** will offer an amendment, debatable for 10 minutes, to streamline the DOD's management of the Asia-Pacific Center for Security Studies by authorizing the Secretary of Defense to waive reimbursement of costs for military and civilians of foreign nations if the Secretary finds that such reimbursement is in the national security interest of the United States. Such costs will be paid from appropriations available to the Asia-Pacific Center. *Staff Contact: Ralph Day, x6-7825*

**Mr. Coburn** will offer an amendment, debatable for 10 minutes, to require the Secretary of Defense to develop, no later than October 1, 2000, a comprehensive plan to ensure full compliance by the DOD with all statutory and regulatory financial management requirements applicable to the Department. The plan must be presented to the Committees on Armed Services, Budget and Appropriations of the House and Senate as well as to the Comptroller General within 30 days. Within 90 days, the Comptroller General must submit a report on the effectiveness of the plan to the same bodies. *Staff Contact: John Hart, x5-2701*

**Mr. Gilchrest** will offer an amendment, debatable for 10 minutes, to provide five additional civil support teams who are specifically trained and equipped to deploy rapidly and assess suspected nuclear, biological, chemical, or radiological events to support and assist local first responders such as fire-fighters, emergency medical technicians, hazardous material teams, and police. *Staff Contact: Daryl Chew, x5-5311*

**Mr. Traficant** will offer an amendment, debatable for 10 minutes, to assign, at the request of the Attorney General and the Secretary of the Treasury, military personnel to assist in patrolling our borders for weapons of mass destruction, prohibited drugs and narcotics, and other terrorist or drug trafficking items. *Staff Contact: Dan Blair, x5-5261*

**Mr. Weldon (FL)** will offer an amendment, debatable for 10 minutes, to establish a commission to review the future of the American aerospace industry. *Staff Contact: Brendan Curry, x5-3671*

**Mr. Miller (CA)** will offer an amendment, debatable for 10 minutes, to expresses the Sense of Congress that the DOD must focus on upgrading information technology systems to allow seamless and interoperable communications. *Staff Contact: Mike Brairton, x5-3201*

**Messrs. Hall and Hobson** will offer an amendment, debatable for 10 minutes, to create a three-year pilot program permitting the Air Force to offer early outs and retirement bonuses to up to 1,000 employees each year for the purpose of maintaining continuity of skills among employees and to hire workers with critically needed technical skills. *Staff Contact: Bob Zachritz, x5-6465*

**Mr. Hunter** will offer an amendment, debatable for 10 minutes, to require the Secretary of Defense to submit a report regarding the costs associated with Operation Allied Force. *Staff Contact: Vicki Middleton, x5-5672*

**Mr. Skelton** will offer an amendment, debatable for 10 minutes, to require the Comptroller General to conduct a study on the value to American national security interests of the engagement of our military forces in Europe and from military strategies employed to shape the international security environment in Europe. *Staff Contact: Jim Schweiter, x5-2876*

**Ms. Fowler** will offer an amendment, debatable for 10 minutes, that expresses the Sense of Congress that the Secretary of Defense has not complied with the requirements of the 1999 Department of Defense

authorization bill, which require him to publish and update a list of Communist Chinese military companies operating in the United States. *Staff Contact: Bill Klein, x5-2501*

**Mr. Largent** will offer an amendment, debatable for 10 minutes, to encourage competition by striking subsection 2 of Section 2813 which limits the number of potential bidders who can compete for the distribution facilities being privatized. *Staff Contact: Bob Bolster, x5-2211*

**Mr. Ryun** may offer an amendment to enable the Department of the Army and the Kansas Commission on Veterans Affairs to transfer the property at Ft. Riley, KS to establish a State-operated veterans cemetery. *Staff Contact: Mike Khatchadurian, x5-6601*

**Mr. Baird** will offer an amendment, debatable for 10 minutes, to provide for the transfer of the U.S. Army Barracks at Fort Vancouver in Vancouver, Washington to the City of Vancouver. (Revised) *Staff Contact: Paul Gray, x5-3536*

**Mr. Hefley** will offer an amendment, debatable for 10 minutes, to authorize the Secretary of the Air Force to convey, without consideration, or to lease approximately 23 acres at the former Lowry Air Force Base, Colorado, to the Lowry Redevelopment Authority for the furtherance of economic development and other public purposes. *Staff Contact: Will Marsh, x5-4422*

**Mr. Hastings (WA)** will offer an amendment, debatable for 10 minutes, designating the tank waste remediation system environmental project in Richland, Washington as the "River Protection Project." *Staff Contact: x5-5816*

**Mr. Hayes** will offer an amendment, debatable for 10 minutes, to provide a technical correction. It will ensure that Section 3157 of the National Defense Authorization Act of 1998 is consistent with Section 1211 of that same Act regarding export control thresholds for computer exports to Tier III countries. *Staff Contact: Alex Mistri, x5-3615*

**Mr. Udall** will offer an amendment, debatable for 10 minutes, to allow DOE to authorize additional accumulation of annual leave; payment of lump-sum retention allowances; details of employees to other duties; and voluntary separation incentive payments. *Staff Contact: Stan Sloss, x5-2161*

**Mr. Lampson** will offer an amendment, debatable for 10 minutes, to amend the Maritime Administration (MARAD) section of the bill to release a promissory note of \$196,490.75 to MARAD, provided the Offshore Energy Center continues to operate the rig as a public museum. *Staff Contact: Stanley Allen, x5-6565*

**Mr. Bryant** will offer an amendment, debatable for 10 minutes, to amend the section of the bill creating a new sentence in the Uniform Code of Military Justice (UCMJ) of life without parole and clarifies that Congress' intent in creating a life without parole sentence in the UCMJ was that clemency would not apply. *Staff Contact: Mark Johnson, x5-2811*

**Additional Information:** See *Legislative Digest* Vol. XXIX, #13, Pt. II, May 17, 2000

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